IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1067 OF 2006

Khimji Devji Savala ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. S.A. Sawant for the petitioner.
Mr. P.G. Sawant, AGP for respondent Nos. 1.
Mr. G.D. Utangale for respondent No.2.
Mr. Y.R. Mishra for respondent Nos. 6 & 7.
Ms. Trupti Puranik for respondent No.4.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA,JJ.
DATED : 20th April, 2006

P.C.

. Rule. Head forthwith.

2. A few brief facts. Petitioner claims that he is eligible for the SRA scheme for which LOI has been given to Respondent No. 6 and of which Respondent No. 7 is the developer. It has been pointed out that though the name of the petitioner is included in the annexure, he is presumed to be ineligible. In other words the petitioner will have to have his claim ascertained before the competent authority. It is only on such ascertainment that the petitioner will be entitled to the benefit of the SRA Scheme. It is also pointed out that petitioner has an area of more than 225 sq. ft. If that be the position, petitioner will

have to pay at the commercial rate in terms of rule in force. Respondent No. 7 has no difficulty in giving to the petitioner such additional area as ascertained by the competent authority, provided the petitioner pays at the commercial market rate in terms of rules.

3. The present petition is disposed of by giving following directions.

i) The respondent No. 3 to give necessary opportunity to the petitioner. On furnishing requisite information, respondent No. 3 to dispose of the same within a period of eight weeks.

ii) If the claim of the petitioner is accepted and it is found that whole area is more than 225 sq.ft., then the area more than 225 sq. ft. will be made available by the respondent No. 7 to the petitioner at commercial market rate in terms of rule.

4. Rule made absolute. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]